

401 KAR 5:065. KPDES permit conditions.

RELATES TO: KRS 224.1-010, 224.1-070, 224.1-400, 224.18-100, 224.70-100, 224.70-120, 224.99-010, 40 C.F.R. 122, 129, 136, 401-471, 503, 33 U.S.C. 1251 – 1387

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.16-050, 224.70-110, 40 C.F.R. 122, 129, 136, 401-471, 503, 33 U.S.C. 1251-1387

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes the cabinet to issue, continue in effect, revoke, modify, suspend or deny under conditions as the cabinet may prescribe, permits to discharge into any waters of the Commonwealth. KRS 224.16-050 authorizes the cabinet to issue federal permits pursuant to 33 U.S.C. 1342(b) of the Federal Water Pollution Control Act, 33 U.S.C. 1251-1387. This administrative regulation establishes the conditions applicable to all KPDES permits, the procedures for establishing and calculating permit conditions, the procedures for reporting spills, releases, bypasses, upsets, and other events of noncompliance to the division, the establishment of limits, standards, and other conditions, primary industrial categories, toxic pollutant effluent standards, test procedures for the analysis of pollutants, effluent guidelines and standards, and standards for the use or disposal of sewage sludge.

Section 1. Definitions. Definitions established in 40 C.F.R. 122.2 shall apply for the interpretation of federal regulations that are cited within this administrative regulation.

Section 2. Federal Regulations. A KPDES permit limitation, standard, or condition shall be as established in:

- (1) 40 C.F.R. 122.41;
- (2) 40 C.F.R. 122.42;
- (3) 40 C.F.R. 122.43;
- (4) 40 C.F.R. 122.44;
- (5) 40 C.F.R. 122.45;
- (6) 40 C.F.R. 122, Appendix A;
- (7) 40 C.F.R. 129;
- (8) 40 C.F.R. 136;
- (9) 40 C.F.R. 401 through 471; and
- (10) 40 C.F.R. 503.

Section 3. Substitutions, Exceptions, and Additions to Cited Federal Regulations. (1) "Waters of the Commonwealth" shall be substituted for "Waters of the United States" in the federal regulations cited in this administrative regulation.

(2) "Cabinet" shall be substituted for "Director" in the federal regulations cited in this administrative regulation.

(3) "KPDES" shall be substituted for "NPDES" in the federal regulations cited in this administrative regulation.

(4) In addition to applicable requirements for state permits established in 40 C.F.R. 122.43(b)(1), the requirements of interstate agencies shall be considered in permits issued by the cabinet.

(5) Reporting shall be as established in 40 C.F.R. 122.41 except that:

(a) If a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance occurs that may present an imminent or substantial danger to the environment or the public health or welfare, the permittee shall immediately notify the Division of Water by call-

ing the Division of Water in Frankfort at (502) 564-3410 or the appropriate regional field office of the Division of Water as established in Table 1 of this section.

(b) If a report required by this subsection is made during other than normal business hours, it shall be made through the twenty-four (24) hour environmental emergency telephone number at (800) 928-2380.

Table 1 – Division of Water Regional Field Office Contact Numbers		
Regional Office	Phone Number	Counties Served
Bowling Green	(270) 746-7475	Allen, Barren, Butler, Edmonson, Grayson, Hart, Logan, Ohio, Simpson, and Warren
Columbia	(270) 384-4734	Adair, Boyle, Casey, Clinton, Cumberland, Green, LaRue, Lincoln, Marion, Metcalfe, Monroe, Nelson, Pulaski, Russell, Taylor, Washington, and Wayne
Florence	(859) 525-4923	Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Henry, Kenton, Owen, Pendleton, and Trimble
Frankfort	(502) 564-3358	Anderson, Bourbon, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Madison, Mercer, Nicholas, Powell, Scott, and Woodford
Hazard	(606) 435-6022	Breathitt, Floyd, Johnson, Knott, Lee, Letcher, Magoffin, Martin, Perry, Pike, and Wolfe
London	(606) 330-2080	Bell, Clay, Harlan, Jackson, Knox, Laurel, Leslie, McCreary, Owsley, Rockcastle, and Whitley

Louisville	(502) 429- 7122	Breckinridge, Bullitt, Hardin, Jefferson, Meade, Oldham, Shelby, and Spencer
Madisonville	(270) 824- 7529	Caldwell, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Todd, Union, and Webster
Morehead	(606) 783- 8655	Bath, Boyd, Carter, Elliott, Fleming, Greenup, Lawrence, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, and Rowan
Paducah	(270) 898- 8468	Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg

(9 Ky.R. 866; Am. 1127; eff. 6-1-1983; 11 Ky.R. 765; eff. 1-7-1985; 12 Ky.R. 540; eff. 12-10-1985; 13 Ky.R. 258; eff. 9-4-1986; 20 Ky.R. 3272; 21 Ky.R. 421; 918; eff. 8-24-1994; 29 Ky.R. 1075; 1587; eff. 12-18-2002; TAm eff. 8-9-2007; 35 Ky.R. 2551; 36 Ky.R. 395; eff. 9-25-2009; 44 Ky.R. 2623; eff. 11-1-2018.)